

In the Matter of )  
 )  
Revitalization of the AM Radio Service ) MB Docket No. 13-249  
 )

April 17, 2017

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## EXECUTIVE SUMMARY

The National Association of Broadcasters (NAB) further responds to Prometheus Radio Project's Petition for Stay of the Commission's recent Order providing AM broadcasters more flexibility to locate translators. NAB initially opposed the Petition on procedural grounds because it was prematurely filed pursuant to a Commission rule that requires a pending petition for reconsideration before good cause can be shown to stay a rule. With Prometheus' subsequent filing of a petition for reconsideration of the Order, NAB now addresses the substantive flaws of the Petition for Stay.

The Commission first authorized AM radio stations to use FM translators in 2009, and limited the placement of such translators to the *lesser of* the AM station's 2 mV/m daytime contour or a 25-mile radius centered at the transmitter site. In the Further Notice, the Commission recognized that this standard was unduly restrictive, and proposed relaxing the rule to the *greater of* the 2 mV/m daytime contour or 25-mile radius, subject to a 40-mile cap. In the Order at hand, the Commission adopted this proposal, but after careful consideration of the record, deleted the proposed 40-mile cap as too confining and unnecessary. The effective date of the Order was April 10, 2017.

Prometheus contends that a stay is needed because the Order will harm LPFM stations by allowing more translators to encroach on LPFM service areas, and "box in" LPFM stations that may need to move in the future because the building that houses their facility is torn down or converted to another use. Prometheus asserts that the Order violated the Administrative Procedure Act (APA) by not taking account of these concerns, among other claims. As shown below, however, the Petition should be dismissed because Prometheus cannot satisfy any of the four determining factors needed to justify a stay.

First, Prometheus is unlikely to prevail on the merits because deleting the 40-mile limit was a foreseeable logical outgrowth of the proposal in the Further Notice to relax the siting parameters for AM stations' translators. Second, Prometheus' claims that LPFM stations will be "immediately and irreparably" harmed absent a stay are purely speculative and reveal a misunderstanding of the Commission's LPFM contour protection rules. Third, AM stations and listeners will be substantially harmed if the stay is granted, given the uncertainty and delay that will stall broadcasters' provision of improved radio service pursuant to the Order. Finally, and most galling, Prometheus' claim that the public interest supports grant of a stay is premised on its unfounded bias that LPFM stations serve the public interest better than AM broadcasters because they are noncommercial services. The Commission and even REC Networks, a leading LPFM advocacy group, reject this view, noting that many, if not most, of the AM stations that will benefit from the Order will be smaller, singleton AM radio stations that provide valuable community-oriented programming.

NAB thus requests that the Commission promptly dismiss Prometheus' Petition for Stay on both procedural and substantive grounds.

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revitalization of the AM Radio Service	)	MB Docket No. 13-249
	)	

**FURTHER OPPOSITION OF THE NATIONAL ASSOCIATION OF BROADCASTERS  
TO THE PETITION OF PROMETHEUS RADIO PROJECT FOR EMERGENCY PARTIAL STAY AND  
PROCESSING FREEZE PENDING REVIEW OF PETITION FOR RECONSIDERATION**

**I. INTRODUCTION**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby further responds to Prometheus Radio Project's Petition for Emergency Partial Stay and Processing Freeze Pending Review of Petition for Reconsideration in the above-captioned proceeding.<sup>2</sup> Prometheus requests a stay of the Commission's recent Order providing AM broadcasters more flexibility to locate translators.<sup>3</sup> NAB initially opposed the Petition on procedural grounds because it was prematurely filed pursuant to a Commission rule that requires a pending petition for reconsideration before good cause can be shown to stay a rule.<sup>4</sup> With

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<sup>1</sup> NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

<sup>2</sup> Petition of Prometheus Radio Project (Prometheus) for Emergency Partial Stay and Processing Freeze Pending Review of Petition for Reconsideration, MB Docket No. 13-249 (Apr. 3, 2017) (Petition).

<sup>3</sup> *Revitalization of the AM Radio Service*, Second Report and Order, MB Docket No. 13-249 (rel. Feb. 24, 2017) (Order).

<sup>4</sup> Opposition of NAB to the Petition of Prometheus Radio Project for Emergency Partial Stay and Processing Freeze Pending Review of Petition for Reconsideration, MB Docket No. 13-249 (Apr. 6, 2017) (NAB Opposition); 47 C.F.R. § 1.429(k).

Prometheus' subsequent filing of a petition for reconsideration of the Order,<sup>5</sup> NAB now addresses the substantive flaws of the Petition for Stay.

The Commission first authorized AM radio stations to use FM translators in 2009, and limited their placement to the lesser of a station's 2 mV/m daytime contour or a 25-mile radius centered at the transmitter site.<sup>6</sup> However, this standard was unduly restrictive for many stations, such as those collocating their translator with their (AM) directional antenna that produced a very small 2 mV/m contour, and others with transmitters located at a distance from their community of license seeking to place a translator closer to their audience.<sup>7</sup> Thus, in the Further Notice, the Commission proposed to relax the parameters from the *lesser of* the 2 mV/m daytime contour or 25-mile radius, to the *greater of* these boundaries, subject to a limit of a 40-mile radius centered at the station's transmitter.<sup>8</sup> In the Order at hand, the Commission adopted this approach, but after careful consideration of the record, deleted the proposed 40-mile cap as too confining and unnecessary, and noting that "... the Commission has already held that the 2 mV/m contour in all cases constitutes an AM station's primary service area" and hence serves as an appropriate boundary for service.<sup>9</sup> The effective date of the Order was April 10, 2017.<sup>10</sup>

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<sup>5</sup> Petition for Reconsideration of Prometheus Radio Project, MB Docket No. 13-249 (Apr. 10, 2017) (Recon Petition).

<sup>6</sup> *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Report and Order, 24 FCC Rcd 9642 (2009) (2009 Translator Order).

<sup>7</sup> *Revitalization of the AM Radio Service*, Notice of Proposed Rulemaking, 28 FCC Rcd 15221 (2013) (2013 Notice); see, e.g., Comments of Peter E. Schartel, MB Docket No. 13-249 (Dec. 16, 2013); Comments of DAII Media, LLC, MB Docket No. 13-249 (Jan. 22, 2014).

<sup>8</sup> *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd 12145, 12173-74 (2015) (Further Notice).

<sup>9</sup> Order at ¶¶ 3-4.

<sup>10</sup> Public Notice, *Media Bureau Announces Notice of Effective Date of Rule Change Adopted in Second Report and Order in Revitalization of the AM Radio Service*, DA 17-255 (Mar. 16, 2017).

The Petition asserts that a stay is justified because the Order will allow more translators to encroach on LPFM service areas, making it harder for LPFM stations to move in the future if the building that houses their facility is torn down or converted to another use.<sup>11</sup> Prometheus claims that the Order violated the Administrative Procedure Act (APA) by failing to account for these concerns.<sup>12</sup> As shown below, however, Prometheus fails to qualify for a stay because it cannot satisfy any of the four determining factors needed to justify a stay. Indeed, even REC Networks, a leading LPFM advocacy group, opposes the Petition because the Order will bring much needed relief to AM broadcasters.<sup>13</sup>

## **II. PROMETHEUS FAILS TO MEET THE APPLICABLE STANDARD FOR A STAY**

The Commission has the discretion to grant a stay when doing so is equitable and serves the public interest.<sup>14</sup> The Commission exercises that discretion based on a well-established four-prong test. A stay is warranted when a petitioner demonstrates that: (1) it is likely to prevail on the merits; (2) it will suffer irreparable harm absent grant of a stay; (3) grant of a stay will not substantially harm others; and (4) grant of a stay furthers the public interest.<sup>15</sup> Prometheus fails all of these tests.

### **A. Prometheus Is Unlikely to Prevail on the Merits of its Petition to Reconsider the Commission's Order**

Prometheus claims that its Petition for Reconsideration will prevail because the Order violated the APA by adopting a rule that was not a logical outgrowth of the proposal in the Further Notice.<sup>16</sup> Prometheus also claims that the Order was arbitrary and capricious

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<sup>11</sup> Petition at 1-3.

<sup>12</sup> Pub. L. 79-404, 60 Stat. 237 (1946); 5 U.S.C. § 553.

<sup>13</sup> Opposition to Prometheus Radio Project Motion for Emergency Stay, MB Docket No. 13-249 (Apr. 5, 2017) (REC Networks Opposition).

<sup>14</sup> *Tennis Channel, Inc. v. Comcast Cable Commc'ns, LLC*, 27 FCC Rcd 5613, 5616 (2012).

<sup>15</sup> *Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).

<sup>16</sup> Petition at 5-9.

because it did not address the negative impact on LPFM stations and was inconsistent with the goals of the Local Community Radio Act.<sup>17</sup>

### **1. The Order was a Logical Outgrowth of the Further Notice**

The APA requires that notice of a proposed rule include "either the terms or substance of the proposed rule or a description of the subjects and issues involved,"<sup>18</sup> and an agency must provide interested persons "an opportunity to participate" in the rulemaking proceeding.<sup>19</sup> The rule ultimately adopted does not need to be the exact same as the one proposed in a notice, but it must be "a logical outgrowth" of the rule proposed.<sup>20</sup>

Prometheus argues that deleting the 40-mile cap from the translator placement rule was a substantial deviation from the Further Notice that LPFM parties could not have anticipated, and therefore, not a logical outgrowth of the initiate proposal.<sup>21</sup> NAB disagrees, and submits that the Petition is nothing more than a transparent attempt to increase the status of LPFM stations *vis-à-vis* translators by miscasting the Order as an APA violation. There can be no other reasonable explanation, given the unmistakable notice and record in support of the Order.

In the Further Notice, the Commission specifically concluded that providing AM broadcasters more flexibility to locate translators would be appropriate.<sup>22</sup> The Commission pointed to comments from broadcasters dating back over eight years demonstrating that the existing "lesser of 25 miles or 2 mV/m" standard was overly restrictive in many situations.

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<sup>17</sup> *Id.* at 9-12; Local Community Radio Act of 2010, Pub. L. No. 111-371, 124 Stat. 4072 (2010) (LCRA).

<sup>18</sup> 5 U.S.C. § 553(b).

<sup>19</sup> *Id.* at § 553(c).

<sup>20</sup> *PSC of the Dist. of Columbia v. FCC*, 906 F.2d 713, 717-718 (D.C. Cir. 1990) *citing* *AFL-CIO v. Donovan*, 757 F.2d 330, 338 (D.C. Cir. 1985).

<sup>21</sup> Petition at 6-8.

<sup>22</sup> Further Notice, 30 FCC Rcd at 12174.

Thus, the Further Notice proposed relaxing these limits to allow broadcasters more flexibility while making sure that translator service remained tied to a station's core service area.<sup>23</sup> The Commission specifically invited "comment on this proposal, including comment on any costs that commenters believe are likely to arise from the proposal."<sup>24</sup> Hundreds of parties filed comments and replies, including REC Networks, a leading LPFM advocacy group, which provided analyses and maps in support of relaxing the translator siting rule in certain situations.<sup>25</sup>

In addition to the clear intent in the Further Notice to relax the translator siting rule, the record provided ample notice of the Commission's decision in the Order. Commenters overwhelmingly supported a relaxation of the rule, with at least a dozen urging either an increase or elimination of the proposed 40-mile limit.<sup>26</sup> Yet, still no input from Prometheus, although others took the opportunity to address the matter in reply comments.<sup>27</sup>

Despite the detailed discussion in the record about a potential 40-mile limit, Prometheus filed a letter late in the proceedings raising its concerns about lack of notice,<sup>28</sup> Which the Commission expressly rejected in the Order: "It was entirely foreseeable that we might adjust our proposal as we determine the rule changes that are necessary to achieve that goal."<sup>29</sup> In this case, the Commission's aim was to provide much needed flexibility to

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Comments of REC Networks, MB Docket No. 13-249 (Mar. 18, 2016).

<sup>26</sup> Further Notice, 30 FCC Rcd at 12174.

<sup>27</sup> Reply Comments of Univision Local Media, MB Docket No. 13-249 (Apr. 18, 2016).

<sup>28</sup> Letter from Andrew Jay Schwartzman, Counsel for Prometheus Radio Project, to Chairman Ajit Pai, Commissioner Mignon Clyburn, and Commissioner Michael O'Rielly, MB Docket No. 13-249, at 2 (Feb. 16, 2017) (Prometheus Ex Parte Letter).

<sup>29</sup> Order at ¶ 4 n. 21 *citing* *Northeast Md. Waste Disposal Auth. v. EPA*, 358 F.3d 951-52 (D.C. Cir. 2004) ("Agencies are free – indeed they are encouraged – to modify proposed rules as a result of comments they receive.").

AM licensees while limiting translator service to the licensee's core service area. The Commission had the discretion – if not obligation – to delete the 40-mile limit based on the comments in the record.<sup>30</sup>

Moreover, contrary to Prometheus' assertion that deleting the 40-mile limit will “destroy” the concept of limiting translator service to a station's core service area, and allow a “massive increase” in the area where translators may be placed,<sup>31</sup> the Order is merely a minor modification of the standard set forth in the Further Notice. The Order correctly notes that limiting translator placement to an AM station's 2mV/m daytime contour limits translator service to a station's core service area, because the Commission has already held that the 2 mV/m contour effectively defines an AM station's primary service area.<sup>32</sup> Thus, the 2 mV/m contour serves as an appropriate boundary on translator service. Also, as some observers note, deleting the 40-mile proposal may impact only a handful of AM stations, and have a negligible effect on LPFM stations.<sup>33</sup> Thus, the Order was a logical outgrowth of the Further Notice because ample notice of the final rule was provided, and the final rule was not a significant change to that proposed in the Further Notice.<sup>34</sup>

## **2. The Order is Not Arbitrary or Capricious**

Prometheus argues that the Order is arbitrary and capricious because it fails to address the alleged negative impact it may have on LPFM stations, and contradicts the

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<sup>30</sup> *International Harvester Co. v. Ruckelshaus*, 478 F.2d 615, 632 n.51 (D.C. Cir. 1973) (“A contrary rule would lead to the absurdity that . . . the agency can learn from the comments on its proposals only at the peril of starting a new procedural round of commentary.”).

<sup>31</sup> Petition at 8.

<sup>32</sup> Order at ¶ 4.

<sup>33</sup> John Garziglia, *Why Prometheus is Wrong to Challenge New FM Translator Rule*, Radio Ink (Apr. 5, 2017).

<sup>34</sup> *Env'tl. Def. Ctr. v. EPA*, 319 F.3d 398, 422 (9th Cir. 2003) (holding that a “final regulation that varies from the proposal, even substantially, will be valid as long as it is ‘in character with the original proposal. . .’”) quoting *Hodge v. Dalton*, 107 F.3d 705, 712 (9th Cir. 1997).

purpose of the LCRA by favoring commercial stations at the expense of noncommercial LPFM stations.<sup>35</sup> Prometheus argues that expanding the area where a cross-service translator may be located could “box in” LPFM stations that need to move in the future.<sup>36</sup>

Prometheus’ claims are inapposite and wholly speculative. First, the Order dealt directly with this question, explaining that “any translator station relocating based on the amended rule must still protect any LPFM stations under the contour protections set forth in 47 C.F.R § 74.1204(a).”<sup>37</sup> Under this rule, the Commission may not accept an application for an FM translator whose service is predicted to overlap with an authorized LPFM station. Thus, changing the area where an AM station’s translator may be placed will not harm any LPFM service because such an application will be dismissed. Moreover, the Order does not authorize any new translators that may increase congestion of the FM band, but only alters where they may be located. That should be the end of the matter.

Prometheus’ complaints are essentially second-level conjecture. The Petition speaks of LPFMs that “inevitably” will be “locked” into their current location by relocated translators, but there is simply no way for Prometheus to support this assertion or quantify the alleged harm. Prometheus cannot predict how many, if any, LPFM stations may need to relocate in the future. Neither can it estimate with any certainty how many LPFM stations will not be able to find a new location. Nor can it predict whether relocated translators will be any more preclusive than their current locations, since it is just as likely that a translator relocated under the Order will increase opportunities for a translator that needs to move. For example, an AM station may reduce costs by moving its translator farther away from the station’s core

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<sup>35</sup> Petition at 10.

<sup>36</sup> *Id.* at 9-11.

<sup>37</sup> Order at ¶ 4 n.21.

service area, thereby freeing up relocation options for an LPFM station in the city center. Essentially, Prometheus asks the Commission to stay a rule that will definitely and immediately help AM broadcasters provide new and improved radio service to listeners, on the off chance that some unspecified LPFM stations may have fewer options for moving, in the event they lose their lease. The Commission should not approve a stay based on hypothetical situations that may not even materialize. REC Networks, for one, notes that many of the FM translator applications filed in the 2016 “250-mile” modification windows are in areas where an LPFM station was not impacted.<sup>38</sup>

Prometheus’ complaints about the posture of LPFM stations are merely inherent in the nature of secondary services. Translator licensees can certainly sympathize, as they also must periodically relocate to avoid interference to full-power stations. In these cases, translator licensees are required to protect pre-existing LPFM stations, just like LPFM licensees must protect pre-existing translators when they need to move.

NAB submits that Prometheus’ genuine frustration is that LPFM service and FM translators are equal in their secondary status, because it believes that LPFM stations are more worthy public servants than translators. Prometheus states that the Order contradicts the LCRA “by favoring expansion of commercial stations at the expense of non-commercial incumbent LPFM station.”<sup>39</sup> Again, Prometheus misunderstands the Order. The new rule will not “expand” AM radio service; rather, it merely allows more flexibility to place existing cross-service translators. Prometheus also completely discounts the local service that AM broadcasters provide and the benefits of cross-service translators, which enable AM stations

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<sup>38</sup> REC Networks Opposition at 2.

<sup>39</sup> Petition at 11.

to reach more listeners with a better signal, to serve listeners at night, and to launch additional content, such as live coverage of local high school sports and rush hour traffic.

Prometheus also glosses over the fact that a substantial number of LPFM stations provide very little local community-oriented programming.<sup>40</sup> Unlike Prometheus, NAB endorses the Commission's view that both AM and LPFM broadcasters offer valuable service: "[W]e expect that many if not most of the stations benefiting from the amended rule will be smaller Class C and D AM stations . . . that also share with the LPFM service a focus on community-based programming."<sup>41</sup> Granting the Petition will impede the valuable service provided by such AM radio stations.

**B. Prometheus' Claims that LPFM Licensees Will Suffer Irreparable Harm from Adoption of the Order are Speculative and Undefined**

Prometheus states that it is common for LPFM stations to relocate their facilities because of a lost lease or some other reason, and that doing so within their relatively small service area can be financially and operationally challenging. According to Prometheus, the Order will exacerbate these challenges by allowing more translators to encroach upon LPFM areas, reducing options for translators that need to move.<sup>42</sup>

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<sup>40</sup> Approximately 735 LPFM stations carry religious programming as their primary format, or almost 40% of the entire LPFM universe. Analysis of BIA Media Access Pro data as of April 13, 2017 (figure includes religious, Christian, gospel and multi-format stations that indicate religious-oriented programming as their primary format). Analysis by a leading nonprofit radio consultant reveals that most LPFM stations affiliated with the Catholic Church are little more than satellite-fed repeaters of EWTN Radio. EWTN radio is a 24/7 programming service intended for unattended automated operations, and much of its content is a simulcast of EWTN's cable TV channel. Ken Mills, *LPFM is Dominated by Religious Stations*, Spark! (Sep. 26, 2016), available at <http://acrnewsfeed.blogspot.com/2016/09/lpfm-is-dominated-by-religious-stations.html>.

<sup>41</sup> Order ¶ 4 n.21.

<sup>42</sup> Petition at 1-5.

As discussed above, Prometheus' claims of "immediate and irreparable" harm to LPFM stations are pure conjecture. Prometheus' concerns that "hundreds, if not thousands" of translator licensees will seek to move translators beyond the eliminated 40-mile limit are highly doubtful, because the number of AM stations with 2 mV/m contours greater than 40 miles is likely to be relatively small.<sup>43</sup> In addition, only a subset of translators may take advantage of the flexibility afforded in the Order.

Prometheus cannot quantify the harm it alleges, or promise that any harm to LPFMs will ever emerge. The Petition rests on the uncertain premise that a cross-service translator may move to an area very close to an LPFM station, that may have to move one day, and cannot find a new site because the translator relocated under the Order. Such a theoretical circumstance cannot justify a stay, especially given the undeniable harm a stay will cause to AM broadcasters and their listeners.

**C. Grant of a Stay Will Cause Substantial Harm to AM Radio Broadcasters and Listeners**

Prometheus' states that granting a stay will not harm any other parties. This view completely ignores the certain impact of a stay on AM broadcasters and their listeners. Since before the Commission first authorized cross-service translators, broadcasters have argued that the "lesser of 25 miles or 2 mV/m" standard for placing translators is too restrictive.<sup>44</sup> Thus, for more than eight years, this rule has unfairly penalized AM stations located at a distance from city centers due to land costs. Other stations have suffered because deep nulls in their directional antenna patterns produce very irregular 2 mV/m

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<sup>43</sup> See *supra* note 32.

<sup>44</sup> Further Notice, 30 FCC Rcd at 12173.

contours. As a result, some listeners have not been able to enjoy the improved signal quality and additional programming that AM stations can provide with the use of a translator.

Any delay in the effectiveness of the Order or the Commission's processing of applications filed pursuant to the Order will needlessly postpone relief to a substantial number of AM radio listeners.<sup>45</sup> Despite the best intentions of Commission staff, there is no way to predict the length or impact of such a delay. The wiser, more expedient course is to promptly consider and resolve all the applications together and immediately.<sup>46</sup>

#### **D. The Public Interest Weighs Against Granting a Stay**

Prometheus repeats its biased claims that granting the Petition would serve the public interest because LPFM stations are noncommercial and therefore provide more important service than AM stations. The Petition states that, unlike AM stations which are driven by marketplace forces, LPFM stations address the needs of listeners who are "too old, too young, too poor, or too inconveniently located to attract advertisers' interests."<sup>47</sup>

Prometheus disregards the community-oriented news, public affairs and entertainment programming that AM radio stations broadcast to their local communities. NAB sees no need for a full recitation of the obvious value of AM radio service herein. Since before the Commission was established, AM broadcasters have provided the public with valuable, local service, and continue to do so today in the face of increasing competitive and technological challenges. In the context of this proceeding, the Commission aptly summed

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<sup>45</sup> Order Denying Stay Petitions, *Rates for Interstate Inmate Calling Services*, 31 FCC Rcd 261, 295 (2016) (denying petition for stay of interstate inmate calling services rules).

<sup>46</sup> NAB also questions how the Commission will treat applications that are mutually exclusive with earlier-filed applications that can only be granted under the Order. Depending on how these are handled, it is possible that granting the stay request could have a wider impact than anticipated.

<sup>47</sup> Petition at 13.

up the importance of AM radio service when it first authorized AM stations to use FM translators:

“For decades, AM radio service has been an integral part of American life. AM radio remains an important component of the mass media landscape and a vital provider of broadcast service to local communities across the country. . . . AM often offers the only radio service to listeners in a variety of circumstances, particularly those living in and traveling through rural areas. AM radio stations commonly provide unique, community responsive formats to distinguish themselves in an increasingly competitive media market. All-news/talk, all-sports, foreign language, and religious programming formats are common on the AM band, as are discussions of local news, politics and public affairs, traffic announcements and coverage of community events such as high school athletic events. In fact, over 90% of all news/talk formats are on stations operating in the AM band.”<sup>48</sup>

AM radio broadcasters are proud of their service, but unlike Prometheus, do not need to malign LPFM stations to boost our value. As stated in the Order, both services share a focus on community-based programming.<sup>49</sup>

NAB respectfully submits that the public interest weighs against granting the requested stay because doing so will inject needless uncertainty into the Commission’s process, and delay the provision of new and improved AM radio service to listeners that translators allow.

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<sup>48</sup> 2009 Translator Order, 24 FCC Rcd at 9643.

<sup>49</sup> Order at ¶ 4 n.21.

### III. CONCLUSION

For the reasons described above, NAB respectfully requests that the Commission promptly reject Prometheus's Petition for Stay.

Respectfully submitted,

**NATIONAL ASSOCIATION OF BROADCASTERS**  
1771 N Street, NW  
Washington, DC 20036  
(202) 429-5430

A handwritten signature in black ink, appearing to read "Rick Kaplan", written over a horizontal line.

Rick Kaplan  
Larry Walke

April 17, 2017

## CERTIFICATE OF SERVICE

I, Larry Walke, do hereby certify that a copy of the foregoing Opposition to Petition for Emergency Partial Stay and Processing Freeze Pending Review of Petition for Reconsideration was served, this 17<sup>th</sup> day of April, 2017, to the following:

### VIA ELECTRONIC MAIL

Andrew Jay Schwartzman  
Drew Simshaw  
Georgetown University Law Center  
Institute for Public Representation  
610 New Jersey Ave., NW Room 312  
Washington, DC 20001-2075  
[andyschwartzman@gmail.com](mailto:andyschwartzman@gmail.com)  
[dts52@law.georgetown.edu](mailto:dts52@law.georgetown.edu)

### VIA US MAIL

Michelle Bradley  
Founder, REC Networks  
115411 Riverton Wharf Road  
Mardela Springs, MD 21837



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Larry Walke